

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	04-00317-01-CR-W-DW
DWIGHT A. THOMAS,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on July 9, 2008. Defendant Thomas appeared in person and with appointed counsel Larry Pace. The United States of America appeared by Assistant United States Attorney Catherine Connelly.

I. BACKGROUND

On October 5, 2004, an indictment was returned charging Defendant with one count of distribution of cocaine base, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and one count of possession with the intent to distribute cocaine base, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Ms. Connelly announced that she will be the trial counsel for the government. The case agent to be seated at counsel table is Dan Stanz, Kansas City Police Department.

Mr. Pace announced that he will be the trial counsel for Defendant Thomas.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Ms. Connelly announced that the government intends to call thirteen witnesses without stipulations or six witnesses with stipulations during the trial.

Mr. Pace announced that Defendant Thomas intends to call one witness during the trial. Defendant Thomas may testify.

V. TRIAL EXHIBITS

Ms. Connelly announced that the government will offer approximately fifteen exhibits in evidence during the trial.

Mr. Pace announced that Defendant Thomas will not offer any exhibits in evidence during the trial.

VI. DEFENSES

Mr. Pace announced that Defendant Thomas will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Pace stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to chain of custody.

IX. TRIAL TIME

Counsel were in agreement that this case will take two days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed April 7, 2008, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by July 9, 2008;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, July 16, 2008;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, July 16, 2008. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and 1/2 inch computer disk in a form compatible with WordPerfect 9.0, 10.0, or 11.0.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on July 21, 2008. The parties request the second week of the docket.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
July 9, 2008

cc: The Honorable Dean Whipple
Ms. Catherine Connelly
Mr. Larry Pace
Mr. Jeff Burkholder